

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WENDELL SCOTT LILLEY, JR.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 09-1236
)	Judge Conti
)	Magistrate Judge Bissoon
LOUIS LUZAR, <i>et al.</i> ,)	
)	
Defendant.)	

MEMORANDUM ORDER

Wendell Scott Lilley, Jr., submitted his prisoner civil rights complaint to the Court on September 19, 2010, and the case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation, filed on May 28, 2010, recommended that Defendants' Motion to Dismiss be granted because Plaintiff's claims are clearly untimely. Plaintiff was released from custody after he filed his Complaint, and he filed a Notice of Change of Address (Doc. 16). A copy of the Report was mailed to Plaintiff at the address he provided, and objections were due on or before June 11, 2010. No objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 16th day of June, 2010,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (Doc. 17) is GRANTED because Plaintiff's claims are untimely. The Clerk is directed to mark this case CLOSED.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Bissoon (Doc. 20), dated May 28, 2010, is adopted as the opinion of the court.

s/Joy Flowers Conti
Joy Flowers Conti
United States District Court Judge

cc:
WENDELL SCOTT LILLEY, JR.
1420 Gibson Avenue
Connellsville, PA 15425